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DOHS: Mr. Doug Zimmerman
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DATE: 6/5/87

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL PROTECTION

201 South Fall Street

Carson City, Nevada 89710

May 26, 1987

Certified Mail #P22 1673055
Return Receipt Requested

Union Pacific Railroad Company
Attn: S. J. McLaughlin
1416 Dodge Street, Room 1000
Omaha, Nebraska 68179

Dear Mr. McLaughlin:

The enclosed Finding of Alleged Violation and Order issued by the Administrator of the Division of Environmental Protection (DEP), pursuant to Nevada Revised Statutes (NRS) 445.317, 445.324, 459.565 and 459.570 require compliance by Union Pacific Railroad Company (UPRC) with the attached Administrative Order.

The Finding and Order were developed as a result of information supplied by UPRC and observations by DEP personnel.

Any violation of the terms of this Order could subject Union Pacific Railroad Company to an action for appropriate relief pursuant to NRS 445.327, 445.331, 445.334, 459.580, 459.585, and 459.600. Please be advised that the Division intends to collect damages for the costs of monitoring and oversight and may seek civil penalties.

This Order is final and not subject to review unless, within thirty (30) days after the date such order is served, a request by written petition for a hearing is received by the State Environmental Commission, 201 South Fall Street, Capitol Complex, Carson City, Nevada 89710.

If you have any questions concerning this matter, please contact me at (702) 885-4670.

Sincerely,

Doug Zimmerman
Doug Zimmerman
Environmental Management Specialist
Ground-Water Protection Section

DZ:mlw

Enclosures

cc: Roland Westergard

L. H. Dodgion

Marta Adams

State Environmental Commission

EPA, Region IX

Felix Havis

Pat Shalmy

Jose Solorio

Clell West

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IN THE MATTER OF
UNION PACIFIC RAILROAD COMPANY
LAS VEGAS YARD
LAS VEGAS, NEVADA

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FINDING OF ALLEGED VIOLATION

I. This Finding is made on the basis of the following facts, to wit:

A. The State of Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, under the authority of Nevada Revised Statutes (NRS) 445.214 Subsection 1 has the power and duty to administer and enforce the provisions of NRS 445.131 to 445.354 inclusive and all rules, regulations and standards promulgated by the Commission and all orders and permits promulgated by the Department; and is authorized by NRS 459.475 in accordance with NRS 459.565, Subsection 1 and NRS 459.570 to make findings and issue orders.

B. NRS 445.221 "Unlawful discharge of a pollutant without a permit."

Except as authorized by a permit issued by the Department under the provisions of NRS 445.131 to 445.354 inclusive and regulations promulgated under such sections by the Commission, it is unlawful for any person to discharge from any point source any pollutant into any waters of the State.

C. NRS 459.515 construction, alteration or operation of facility without permit unlawful;

1. It is unlawful for any person to:

(B) Treat, store or dispose of any hazardous waste, unless he has first obtained a permit from the department to do so.

D. Monitoring wells installed at the Las Vegas Yard on January 27, 1987 confirmed the presence of soil and ground water hydrocarbon contamination. Monitoring wells B-4 and B-5 contained hydrocarbon layers approximately two feet and six feet thick, respectively.

E. For the following reasons the Division believes that a potential hazardous waste disposal problem may exist at the Las Vegas Yard:

1. The existence of a diesel shop in which solvents are used in association with the repair of locomotives and railcars.

2. The use of oils and hydraulic fluids believed to contain PCB's.

3. Given the long operating history at the site and the movement of hazardous materials through the Yard the potential exists for accidental spills, such as the one on 10/5/86 involving PCB's. Past spills may have gone unreported due to the lack of regulatory reporting requirements at the time of such events.

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II. On the basis of the facts listed above, the Administrator of the Division of Environmental Protection finds that Union Pacific Railroad Company is in violation of NRS 445.221 and NRS 459.515 as outlined above.

Dated

5/26/87

Doug Zimmerman
Doug Zimmerman
Environmental Management Specialist
Ground-Water Protection Section

IN THE MATTER OF
UNION PACIFIC RAILROAD COMPANY
LAS VEGAS YARD
LAS VEGAS, NEVADA

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ORDER

The following Order is issued this date pursuant to the powers and duties vested in the Director of the Department of Conservation and Natural Resources by Nevada Revised Statutes (NRS) Chapter 445.214, subsection 1 and 445.216, subsection 8, delegated to the Division of Environmental Protection pursuant to NRS Chapter 445.216 subsection 9, and in accordance with NRS Chapter 445.307, NRS 445.317 subsection 1(a), NRS 445.324, NRS 459.565, subsection 1 and NRS 459.570.

On the basis of the Finding of Alleged Violation attached hereto and made a part of this Order, the Administrator of the Division of Environmental Protection, pursuant to authority delegated to him by the Director, Department of Conservation and Natural Resources, has determined that Union Pacific Railroad Company is in violation of NRS 445.221 and in possible violation of NRS 459.515 as outlined in the Finding of Alleged Violation.

IT IS HEREBY ORDERED:

That Union Pacific Railroad Company complete the following acts by the dates specified:

1. By September 30, 1987, complete an investigation to delineate the extent of contamination in the soil profile, ground water and surface water, both on and off the Las Vegas Yard site, and submit a report to the Division which includes the following:
 - a. A site map(s) showing the locations of all borings and monitoring wells, ground water elevation contours and the boundaries of the soil contamination, free product and dissolved product plumes.
 - b. Measurements of free product thickness and water levels in all wells.
 - c. The flow rate and direction of plume migration.
 - d. Water and soil samples collected for the purpose of defining hydrocarbon plume boundaries must be analyzed for total petroleum hydrocarbon by either EPA method 8015 (modified) or EPA method 418.1.
 - e. Water and soil samples collected for the purpose of defining hazardous waste contamination boundaries must be analyzed for volatile organic compounds by EPA method 624 and for PCB's by EPA method 8080.

- f. A lithologic log and complete diagram for all borings and monitoring wells.
2. By October 31, 1987 submit for approval a recovery and mitigation plan based on the results of the investigation identified in Item 1. The plan shall provide for the removal of contamination from affected surface and ground water and proper treatment or disposal of contaminated soils. All discharges related to a hydrocarbon recovery operation may not exceed 1 ppm total petroleum hydrocarbons, unless such discharges are routed to a sanitary sewer in which case the local sewer ordinance limitation will apply.
3. Implementation of the plan identified in Item 2 shall commence within 45 days after approval by the DEP. Recovery operations shall continue until the DEP determines that an acceptable level of cleanup has been achieved.

Dated

3/27/87

L. H. Dodgion
L. H. Dodgion, Administrator
Division of Environmental Protection